

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KENNETH T. WASHINGTON,

Petitioner,

v.

TIM BUCHANAN, WARDEN,

Respondent.

CASE NO. 2:12-CV-00103

JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE ELIZABETH P. DEAVERS

OPINION AND ORDER

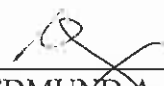
On September 17, 2012, the Magistrate Judge issued a *Report and Recommendation* recommending that Respondent's *Motion to Dismiss* (Doc. 8) be granted and that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed as barred by the one-year statute of limitations pursuant to 28 U.S.C. § 2244(d). Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. For the reasons that follow, Petitioner's objections (Doc. 27) are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Respondent's *Motion to Dismiss* (Doc. 8) is **GRANTED**. This action is hereby **DISMISSED** as time-barred.

Petitioner objects to the Magistrate Judge's recommendation that Respondent's Motion to Dismiss this action as time-barred be granted. He raises all of the same arguments he previously presented, and does not present any additional arguments regarding the timeliness of his § 2254 petition. Petitioner has attached an affidavit in support of his objections. He contends that equitable tolling of the statute of limitations should be granted, because he relied on the inaccurate advice of the Ohio Public Defender, he has difficulty reading and understanding big words, acted diligently in pursuing his claims, and based on his status as a *pro se* incarcerated prisoner. None of these

reasons, however, is sufficient to invoke equitable tolling.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. Upon review of the entire record, and for the reasons already detailed in the Magistrate Judge's *Report and Recommendation*, Petitioner's objections (Doc. 27) are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Respondent's *Motion to Dismiss* (Doc. 8) is **GRANTED**. this action is hereby **DISMISSED** as time-barred.

IT IS SO ORDERED.

 12-4-2012

EDMUND A. SARGUS, JR.
United States District Judge